

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

|                           |   |                               |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, | ) |                               |
|                           | ) |                               |
| Plaintiff,                | ) |                               |
|                           | ) |                               |
| v.                        | ) | Case No.: 13-00147-01-CR-W-DW |
|                           | ) |                               |
| KENNETH A. WALENTY,       | ) |                               |
|                           | ) |                               |
| Defendant.                | ) |                               |

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 20, 2013. Defendant Walenty appeared in person and with retained counsel Cenobio Lozano. The United States of America appeared by Assistant United States Attorney Joe Marquez.

***I. BACKGROUND***

On April 23, 2013, an indictment was returned charging Defendant with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846, three counts of distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Marquez announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Brittany Ziesman-Hicks.

Mr. Lozano announced that he will be the trial counsel for Defendant Walenty.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Mr. Marquez announced that the government intends to call 7 witnesses without stipulations or 5 witnesses with stipulations during the trial.

Mr. Lozano announced that Defendant Walenty does not intend to call any witnesses during the trial. Defendant may testify.

***V. TRIAL EXHIBITS***

Mr. Marquez announced that the government will offer approximately 20-25 exhibits in evidence during the trial.

Mr. Lozano announced that Defendant Walenty will not offer any exhibits in evidence during the trial.

***VI. DEFENSES***

Mr. Lozano announced that Defendant Walenty will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Mr. Lozano stated this case may be for trial.

***VIII. STIPULATIONS***

Stipulations are likely as to chain of custody and chemist's reports.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take 3 days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 3, 2013, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by November 20, 2013;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, November 27, 2013;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, November 27, 2013. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. There are no unusual questions of law.

***XII. TRIAL SETTING***

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on December 2, 2013. Defendant will likely file an unopposed motion to continue.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
November 20, 2013

cc: Mr. Kevin Lyon

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by November 29, 2013. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.